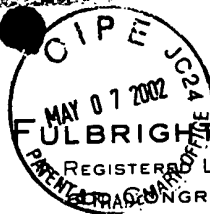


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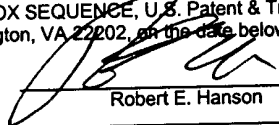
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CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: BOX SEQUENCE, U.S. Patent & Trademark Office, PO Box 2327, Arlington, VA 22202, on the date below:	
May 2, 2002 Date	 Robert E. Hanson

**BOX SEQUENCE**

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Arlington, VA 22202

RE: *U.S. Patent Application No. 09/698,789 Entitled: METHOD AND PLANT BREEDING (AS AMENDED) by Spencer, et al. (Client Reference No. 51223 US 03)*

Commissioner:

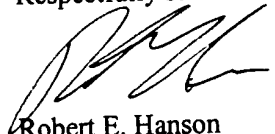
Enclosed for filing in the above-referenced patent application is:

- (1) Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
- (2) Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures Dated April 2, 2002;
- (3) Copy of the Statement as Required Under 37 C.F.R. § 1.821(f); Paper Copy of Sequence Listing; and Computer Readable Form (CRF) as filed on February 26, 2002; and
- (4) A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

Should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski L.L.P. Account No.: 50-1212/10025100/10056.

Commissioner for Patents  
May 2, 2002  
Page 2

Respectfully submitted,



Robert E. Hanson  
Reg. No. 42,628

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Encl.: As noted



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michael Spencer, Rita Mumm,  
J. Jefferson Gwynn, David McElroy and  
Michael A. Stephens

Serial No.: 09/698,789

Filed: October 27, 2000

For: METHOD FOR PLANT BREEDING (AS  
AMENDED)

Group Art Unit: 1638

Examiner: Kruse, David H.

Atty. Dkt. No.: DEKM:157USC1

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22202, on the date below:

May 2, 2002

Date

Robert E. Hanson

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT  
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID  
SEQUENCE DISCLOSURES DATED APRIL 2, 2002**

**BOX SEQUENCE LISTING**

Commissioner for Patents  
Arlington, VA 22202

Commissioner:

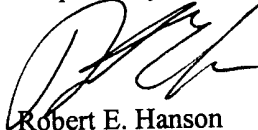
This is in response to the Notice to Comply with Requirements for Patent Applications  
Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures dated April 2, 2002,  
for which the deadline for response is May 2, 2002.

**RESPONSE TO NOTICE**

Submitted herewith is a copy of the Statement As Required Under 37 C.F.R. § 1.821(f); a paper copy of sequence listing and a duplicate copy of the computer readable form (CRF) filed on February 26, 2002.

Applicants believe that the attached documents fully respond to the Notice to Comply With Requirements For Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures for this application.

Respectfully submitted,



Robert E. Hanson  
Reg. No. 42,628  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201  
(512) 536-4598 (facsimile)

Date: May 2, 2002

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## Notice to Comply

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Application No.

09/698,789

Examiner

David H Kruse

Applicant(s)

SPENCER ET AL

Art Unit

1638

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**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: The Amendment filed 12 March 2002 is acknowledged, but the CRF was either destroyed or lost in the attempted response. A new CRF is required, see attached note.

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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